THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY
AND
THE HONOURABLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT APPEAL NO.442 OF 2007

Dated 23.5.2007

Between

Sri T.Vishnu Vardhan Reddy

…. Appellant

And

The District Level Sand Committee,
represented by its Chairman,
Nellore District and 3 others.

.. Respondents

THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY
AND
THE HONOURABLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT APPEAL NO.442 OF 2007

JUDGMENT: (Per Sri BSSR.J)

This writ appeal is directed against the order dated 26.4.2007 passed by the learned Single Judge in W.P.No.8796 of 2007.

The appellant-petitioner claims to have become the highest bidder in the auction conducted to lease out sand reach in Penna river in the jurisdiction of Viruvuru/Surayapalem Gram Panchayat. The auction came to be confirmed vide proceedings dated 13.12.2006 after the appellant paid 1/4th of the bid amount.

Subsequently, the appellant failed to pay the balance 3/4th amount within seven days. Thereafter, notice has been given to the appellant calling upon him to pay the balance amount. Despite receipt of the notice, the appellant did not deposit the balance 3/4th amount. Therefore, the authorities forfeited the 1/4th amount paid by the appellant by proceedings dated 1.4.2007. Thereupon, the appellant chose to invoke the jurisdiction of this Court under Article 226 of the Constitution of India and filed the writ petition seeking the following relief.

> " To issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of respondent No.2 in passing impugned orders vide Roc.No.2907/2006-A3, dated 1.4.2007 ordered the amounts so far paid by the petitioner is forfeited to the Government and the auction already conducted stands cancelled, is illegal, arbitrary and in violation of principles of natural justice and consequently set aside the same."

The learned single Judge after going through the relevant provisions, came to the conclusion that since the appellant-petitioner failed to pay the balance amount nor executed the agreement as contemplated under Rule 9-H of the Andhra Pradesh Minor Mineral Concession Rules, 1966 (for short 'the Rules'), he is not entitled to any relief.

Heard the learned counsel for the appellant and perused the records.

Undisputedly, the appellant-petitioner did not deposit 3/4th of the amount as provided under Rule 9-H of the Rules. Such is the

situation, the learned single Judge is justified in dismissing the writ petition. We do not see any valid ground to interfere with the order of the learned single Judge.

Accordingly, the writ appeal is dismissed.

B.SESHASAYANA REDDY,J

Dated 23.5.2007

C.V.NAGARJUNA REDDY,J

msv